

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:	:	Chapter 11
	:	
TW, INC., f/k/a Cablevision Electronics	:	Bk. Case No. 03-10785 (MFW)
Investments, Inc.,	:	
	:	
Debtor.	:	
	:	
	:	
TW, INC., f/k/a Cablevision Electronics	:	
Investments, Inc.,	:	
	:	
Plaintiff,	:	Civ. No. 05-018 (SLR)
	:	
v.	:	
	:	
PARAMOUNT HOME ENTERTAINMENT,	:	
INC., f/k/a Paramount Home Video, Inc.,	:	
	:	
Defendant.	:	

ORDER

This 4th day of March, 2005, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties already have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: the Debtor's transfers and payments to the defendant, the Debtor's solvency, and any facts supporting defendant's affirmative defenses, including contemporaneous exchange (11 U.S.C. 547(c)(1)), ordinary

course of business (11 U.S.C. 547(c)(2)), and subsequent new value (11 U.S.C. 547 (c)(4)).

Additionally, the parties reserve the right to inquire into any issue(s) relevant to a party's claims or defenses that may become known during the course of discovery.

(b) All discovery shall be commenced in time to be completed by June 15, 2005.

(c) Maximum of 50 interrogatories by each party to any other party.

(d) Maximum of 50 requests for admission by each party to any other party.

(e) Maximum of 8 depositions by plaintiff and 8 by defendant.

(f) Each deposition limited to a maximum of 7 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof are due by July 15, 2005. Rebuttal expert reports are due by August 15, 2005. Expert depositions must be completed by September 15, 2005. All Daubert motions are due by September 30, 2005.

(h) Supplementations under Rule 26(e) due by May 15, 2005.

(i) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification.

All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before April 1, 2005.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement.

5. **Status Conference.** A telephonic status conference is scheduled between the parties and Judge Robinson on June 28, 2005, at 4:30 p.m. Arrangements for the telephonic conference will be made by Defendant's counsel.

6. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before October 10, 2005. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

7. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any nondispositive motion shall contain the statement required by D. Del. LR 7.1.1.**


United States District Judge Sue Robinson